

Pursuant to Federal Rule of Civil Procedure 24(a), defendant intervenor-applicants East Run Hellbenders Society, Inc. (“Hellbenders”¹) and the Little Mahoning Watershed, by and through the undersigned counsel, respectfully move this Court for leave to intervene as of right. In the alternative, Applicants move for permissive intervention pursuant to Federal Rule of Civil Procedure 24(b). Intervention should be granted for the following reasons:

1. The Plaintiff PGE filed the instant action on August 8, 2014, seeking to nullify Defendant Grant Township’s Community Bill of Rights Ordinance. (Dkt. 1 and Dkt. 1-1.)
2. The Hellbenders organization formed in response to PGE’s planned injection well and residents’ desire to exercise their right of local, community self-government to protect their health, safety, welfare, and natural environment.
3. The Hellbenders organization is a nonprofit corporation organized under the laws of the Commonwealth of Pennsylvania.
4. The Directors of the Hellbenders organization are Judith Wanchisn, Stacy W. Long, and Mark T. Long, all residents of Grant Township, who have filed Declarations in support of this motion to intervene.
5. Grant Township’s Community Bill of Rights Ordinance recognizes and protects the rights of residents of Grant Township to clean air, water and soil; to scenic preservation; to a sustainable energy future; and to local, community self-government.
6. Hellbenders is, and has been, the primary advocate for the Community Rights Ordinance and all of its board members, along with other Grant Township

¹ Named after the Eastern Hellbender Salamander. (*E.g.*, Declaration of Stacy Long ¶ 12.)

residents who are supporters of Hellbenders' mission, will suffer real and substantial harm if the Community Rights Ordinance is invalidated and PGE, or other corporate entities, are allowed to deposit waste from oil and gas extraction within Grant Township.

7. The Little Mahoning Watershed is an ecosystem that encompasses certain aquatic and terrestrial ecosystems associated with Little Mahoning Creek.
8. The Little Mahoning Watershed includes the tributaries East Run Creek and Mill Run Creek, along with the groundwater systems below Grant Township.
9. The Community Rights Ordinance recognized and established rights for the Little Mahoning Watershed within Grant Township.
10. If the Ordinance is invalidated, then the Watershed will lose those rights and suffer the harms prevented by their recognition.
11. Grant Township does not adequately represent the Hellbenders' or Little Mahoning Watershed's interests because the Township's interests could change; the Township must weigh multiple interests; and the rights protected by the Ordinance are rights held by the inhabitants of the Township, not the Township itself.

Counsel for Applicants has conferred with counsel for Plaintiff Pennsylvania General Energy Company, L.L.C. ("PGE") and PGE opposes this motion. Counsel for Applicants has conferred with counsel for Defendant Grant Township ("Grant Township") and Grant Township does not oppose this motion.

For the reasons set forth above, Applicants respectfully request that the Court grant their intervention as of right or, in the alternative, permissive intervention. Pursuant to F.R.C.P. 24(c), Applicants have filed their proposed pleading with their motion to intervene.

Respectfully submitted November 18, 2014.

A handwritten signature in dark ink, appearing to read 'Lindsey Schromen-Wawrin', with a long horizontal flourish extending to the right.

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*Attorney for Defendant Intervenor-Applicants
Little Mahoning Watershed and East Run Hellbenders Society, Inc.*

Certificate of Service

I certify that I electronically filed a true and correct copy of the foregoing Motion for Intervention and accompanying documents on November 18, 2014 using the Court's CM/ECF system, which will automatically serve a copy upon the following:

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